

Hon. John C. Coughenour

Note for Consideration: December 6, 2013

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WENDY JENDRYSIK,

Plaintiff,

v.

RECEIVABLES PERFORMANCE
MANAGEMENT, LLC

Defendant.

Case No. 2:13-cv-00559

**DECLARATION OF JAMES NOBLE
IN SUPPORT OF MOTION FOR
SUMMARY JUDGMENT
DISMISSING TCPA CLAIMS**

I, James Noble, pursuant to 28 U.S.C. 1746, declare under penalty of perjury, as follows:

1. I am an adult over the age of 18 years. I base this declaration on my personal knowledge of the matters stated below. I am competent to testify in this matter.

2. I am the founder and President of Noble Systems Corporation ("Noble Systems"). As Noble Systems' founder, I was the company's initial chief software architect, and I remain active in product development activities for Noble Systems.

3. Noble Systems was formed in 1989 to develop software solutions for use primarily in the telemarketing industry. Our initial product offering was a contact management system designed to enable our customers to centralize customer centric

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1 information in one computer program. A central component of that software solution was a
2 device designed to allow the software to automatically dial phone numbers provided to the
3 software by a third party application or database.

4 4. The current versions of Noble Systems relevant software products as of the
5 date of this Declaration do not include a random or sequential number generator.

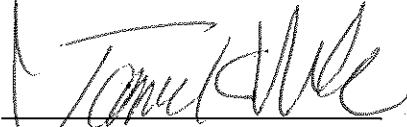
6 5. Receivables Performance Management, LLC ("RPM") has been a Noble
7 customer since August 19, 2002. Noble Systems and RPM are parties to that certain
8 Composite Agreement, dated September 21, 2005 (the "Agreement"), pursuant to which
9 RPM has purchased certain hardware, software licenses and services related thereto.

10 6. "The Management Software "DCB", Release 2.08.02" (the "Software") is
11 currently licensed by Noble Systems to RPM pursuant to the Agreement. The Software, as
12 of the date of this Declaration, is not designed to, and does not contain the capability to,
13 randomly or sequentially generate telephone numbers because the Software does not contain
14 a random or sequential number generator.

15 7. I understand that RPM made its first telephone call to Plaintiff in this matter
16 on her cell phone on December 2, 2012. I can confirm that, according to our records, the
17 version of the Software as installed for Customer as of that date did not have the capacity to
18 randomly or sequentially generate telephone numbers because it did not contain a random or
19 sequential number generator.
20

21 I declare under penalty of perjury that the foregoing is true and correct.
22

23 Executed at Atlanta, Georgia on November 6, 2013.

24 
25 JAMES NOBLE

DECLARATION OF JAMES NOBLE - 2
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